

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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Civ No. 10- 4077 (ARR)(VVP)

SIK GAEK, INC.,

:

Plaintiff,

:

**NOTICE OF MOTION
TO SET ASIDE DEFAULT**

-against-

:

YOGI'S II, INC., and DANIEL KIM,

:

Defendants.

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PLEASE TAKE NOTICE that upon the annexed affidavit of Brian M. Levy, sworn to on the 3rd day of December 2010, and Daniel Kim, sworn to on the 2nd day of December 2010, and the accompanying Memorandum of Law, Defendant, Daniel Kim, will move the Court before the Honorable Viktor V. Pohorelsky at such time as may be determined pursuant to Local Rules, at the Eastern District Courthouse, 225 Cadman Plaza East, Brooklyn, New York, for an Order, pursuant to Fed. R. Civ. P. 55(c) setting aside the entry of default entered against defendant, Daniel Kim, on November 22, 2010. Oral argument shall be set at such time and date as is determined by the Court.

PLEASE TAKE FURTHER NOTICE that in accordance with Local Rule 6.1, answering papers, if any, must be served within fourteen (14) days after service of these moving papers.

Dated: New York, New York
December 3, 2010

/Brian M. Levy
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